

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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AMERICAN FIRE AND CASUALTY
COMPANY,

Plaintiff,

ADOPTION ORDER
15-cv-3111 (ADS)(AKT)

-against-

SCOTT ELECTRICAL SERVICES, LLC,
RODNEY SCOTT, and JACQUELINE SCOTT,
Defendants.

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APPEARANCES:

Torre Lentz Gamell Gary & Rittmaster, LLP

Attorneys for the Plaintiff

100 Jericho Quadrangle, Suite 309

Jericho, NY 11753

By: Sean Patrick Kelley, Esq.

Benjamin Davis Lentz, Esq., Of Counsel

SPATT, District Judge.

On May 29, 2015, the Plaintiff American Fire and Casualty Company (the “Plaintiff”) commenced this action against the Defendants Scott Electrical Services, LLC, Rodney Scott, and Jacqueline Scott (collectively, the “Defendants”), seeking damages under an indemnity agreement.

On August 11, 2015, the Clerk of the Court noted the default of the Defendants.

On August 26, 2015, the Plaintiff moved for a default judgment, which motion the Court referred to United States Magistrate A. Kathleen Tomlinson for a recommendation as to whether a default judgment should be granted and if so, whether damages should be awarded.

On February 22, 2016, Judge Tomlinson issued a report (“R&R”) recommending that (1) the Plaintiff’s motion for a default judgment be granted; (2) the Plaintiff be awarded the sum of \$258,128.93; (3) the Plaintiff’s request for attorneys’ fees be denied, without prejudice, and that

Plaintiff be granted thirty (30) days to submit billing records that cure deficiencies enumerated in the R&R; and (4) the Plaintiffs be awarded \$602.00 in costs incurred in bringing the instant motion.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the February 19, 2016 R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety.

The Court notes that on March 3, 2016, the Plaintiff filed a renewed letter motion for attorneys' fees. That motion (Dkt. No. 24) is referred to Judge Tomlinson for a second report & recommendation as to whether the Plaintiff's renewed motion for attorney's fees cures the deficiencies identified in the February 22, 2016 R&R. The Clerk of the Court is to note the referral.

SO ORDERED.

Dated: Central Islip, New York
March 31, 2016

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge